Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

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"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."

JOHN HAY.

On Picket Duty.

The charge that Anarchist editors take especial delight in fighting their friends is as thoughtless as it is common. The truth is that *some* Anarchist editors are honest enough to fight even friends when they deserve to be fought or rebuked.

Two miners at Greensburg, Penn., have brought suit against an employer for calling them "Mollie Maguires" and "Anarchists." If the judges to pass upon this question prove intelligent, Anarchists may expect a boom in their line of work. Just think how our chances would improve if the judges should decide, as they honestly must, that there is nothing libellous about the term Anarchist, but that, on the contrary, it is one of which every enlightened, self-respecting, liberty-loving citizen may well be proud!

"If individualism," confesses Rabbi Solomon Schindler in the Boston "Globe," "is the highest ideal of civilization, then Anarchism pure and simple would be preferable both to the present order of things and to the Socialism which Mr. Bellamy advocates." Will those State Socialists who believe with us that individualism *is* the highest ideal of civilization cease to pretend that individualism will flourish under their system, and forever part company with the Schindlers who frankly declare that Bismarckian equality is their ideal? We thank Mr. Schindler in advance for the many conversions to Anarchism which his confession is sure to bring about.

In the "Twentieth Century" of October 17, Mr. Pentecost criticises the editor of the Denver "Individualist" for being to some extent blind to his own logic, and addresses him thus: "Get into line, Mr. Stuart! Which are you, a Socialist or an Anarchist?" I am not a little surprised at this; for though Mr. Pentecost's views are thoroughly Anarchistic, he has never directly called himself an Anarchist, and but very recently, when asked to make a full and frank declaration of faith, chose to take a roundabout way of saying that he agreed entirely with the Anarchists. But I do not wish to place any emphasis on this trifling infirmity of Mr. Pentecost's, any more than I think it worth while to comment on his evident reluctance to attend to the critical remarks which his utterances call forth from Liberty. On the whole, Mr. Pentecost and his paper are "all right."

The publishers of the "Nationalist," in announcing a serial by Laurence Gronlund, entitled "The Twentieth Century," observe that "those who have read Mr. Gronlund's works need not be told what an important addition this new book will be to the literature and life of this century." I know a number of intelligent people who, having read Mr. Gronlund's "works," are convinced that he ought to thank his stars for having been born in a semi-individualistic century, which permits every man to try his hand at book-making, even if his attempts only bring ridicule upon him. But under the most imbecile collectivist government men of Mr. Gronlund's narrow capacities would doubtless be ordered to make boots or bake bread. The fact that Mr. Gronlund nevertheless firmly believes in collectivism would argue a rare spirit of self-sacrifice on his part, were not his vanity and conceit familiar to all.

In his speech at the fourth annual dinner of the Boston Press Club, Joe Howard declined to discuss "the future of American journalism," but offered a few astonishingly sober and true remarks on the present of American journalism, which, in his judgment, has nothing to boast of. "In what," said he, "outside of our physical elements, do we of today surpass the great men of the past, who had principles and a purpose to fight for? Can you find a single newspaper, founded since the war closed, devoted to the propagation of an idea? There is not one solitary principle for which we fight today. Manhood without a principle to fight for isn't worth the living. . . . Journalism today is nothing but the felicitous combination of brains and capital,—brains that are used, worn-out, and thrown aside, and capital that soars on its heedless way rejoicing. . . . After all," added Howard, by way of suggesting a means of elevating journalism, "there is just one square thing for a man to do in life,—always get in a kind word for the under dog. Always help somebody who is in trouble." This was rather vague, and another speaker more explicitly pointed to the capital and labor issue as one which needed discussion. But it would seem as if Liberty's recent castigation of Joe Howard did him a world of good, did I not know that the prostitute told the truth simply because he was off duty.

No. 55 of "Fair Play" is unusually interesting, especially valuable being Mr. Walker's editorial, entitled "Rapier and Mace," which was written to meet certain propositions and suggestions made by J. Wm. Lloyd in a letter to the editors of "Fair Play." Mr. Lloyd advised them to devote the columns of their journal to the question of free love exclusively, his idea being that since "it is very advantageous for a workman with a special taste and aptitude for a certain branch to confine himself to it, and carry it to as great perfection as possible, the editors of "Fair Play," who, he avers, have proved themselves in possession of the "taste, education, and ability" necessary for the task of educating sincere conservatives in matters of love and sex, cannot consistently with their belief in the principle of specialization of functions decline to engage to supply the demand for an "organ of high-minded free-lovers." Furthermore, complaining of the "combativeness, sarcasm, and downright abuse," of which "modern radicals" are so conspicuously lavish, he would have "Fair Play" follow an exceptional course and pay the greatest attention to "literary style" and "persuasive and attractive language,"—the more so, because, in his view, "vivid words, graceful sentences, soothing rhetoric, irresistible logic, eloquent appeals, *via* that which men love and respect, carry unpopular ideas through the world with a speed and favor that make the old guards gasp." To which Mr. Walker replies, first, that, "as the warrior in the clang and roar of bloody battle found sword and mace alike in turn serviceable, so in the mental battle for liberty, very useful, each in its own place and time, is the keenly-pointed pen of the satirist, the magic pencil of the artist, the syllogism of the logician, the impassioned appeal of the orator, the fierce phillipic of the impetuous denouncer of wrong." Thinking that "there is danger that in striving to attain the ideal of cultured utterance, we shall sacrifice needed strength," Mr. Walker insists on studying to combine elegance with vigor, refinement with courage and solidity. Secondly, in the language of Mr. Walker, "the vast majority of liberals will take but one progressive paper, and in that they should be able to get a view of the whole field of radical work. How, I would ask Comrade Lloyd, can he expect the readers of liberal journals to be intelligently friendly to *all* phases of liberty if the editor of the paper they read, with his much better opportunities to keep abreast of the times, can advocate intelligently but *one*? I sincerely believe that the general average of liberty and of despotism will ever remain about the same,—that is, we shall be only free either economically, politically, sexually, or otherwise, until we are free *all*wise." Altogether, Mr. Walker's article is remarkable both in substance and form.

Mr. Donisthorpe's Answer.

To the Editor of Liberty:

On returning to London after a few weeks' holiday I find Liberty of August 10 and September 7. Passing over your very kind and quite too flattering reference to myself at the end of your paragraph on "New Writers for Liberty," I find that in your opinion I am "bound under penalty of misapprehension to explain the apparent inconsistency pointed out by Mr. Yarros between (my) present defence of the Liberty and Property Defence League and (my) fierce assault upon it in the final editorials in 'Jus.'"

But for this challenge I should have left untouched Mr. Yarros's review of my review of Mr. Grant Allen's review of the League's work, as too personal for general interest. Is it now too late?

Mr. Yarros thinks that, when I wrote it, I was not in a philosophical mood, and that I was angry. Well, as to the latter charge, I *was* angry. I am in a chronic state of anger with paragrinders of Mr. Allen's type, who inflict their sloppy musings upon others, instead of first churning them up into definite thoughts. With Mr. Allen's qualifications for other tasks I have nothing to do: but to me it seems obvious that he knows absolutely nothing about individualism in particular or about politics in general. To be preached at by ignorance is an infliction I cannot and will not endure without protest. As to whether my criticism was expressed in philosophical language or not, I offer no opinion. It is a question which every reader must judge for himself, Mr. Yarros included.

But it seems, sir, that you also concur in regarding my attack on Mr. Allen as apparently inconsistent with my former attacks on the League. I think there are three valid answers to this contention: first, there is not a single word from one end of my review to the other in defence of the League, or in any way commending it; second, it seems to me to be perfectly consistent to attack the League for its lack of thorough individualism, and at the same time to defend it against those who sneer at it as too individualistic; third, a father may scourge a son with scorpions for his own good, and then very properly ward off the blows of another man's rod,—more especially when his offspring is being chastised for doing right. Perhaps you do not know that once upon a time, in 1881, I was the only member of that League!

It is therefore quite true that I upbraided my colleagues in pretty strong terms in 1888 because of their want of zeal in the cause of philosophic Anarchy, and that now in 1889 I resent Mr. Allen's attempt to misrepresent them. Personally I wish the League well. I always did. At the time of my secession I wrote (April 14, 1888) to the "Edinburgh Dispatch": "You assume that because I am not satisfied with the League's progress, I am anxious to see it come to an end. This is the reverse of the truth. I wish the League all possible success, and I consider it is doing good work. I think it should work on a more extended basis, and adopt more vigorous methods,—that is all." My attitude towards the League is now precisely what it was then. Nor is it correct to say that I charged that body with duplicity, etc. If Mr. Yarros will read a little more carefully, he will find that he is in error. Yours, &c.,

WORDSWORTH DONISTHORPE.

TEMPLE, LONDON, OCTOBER 6, 1889.

THE RAG-PICKER OF PARIS.

By FELIX PYAT.

Translated from the French by Benj. R. Tucker.

PART FOURTH.

THE STRUGGLE.

Continued from No. 151.

"You still love Marie?"

"I forgive her."

"What! Then you believe her guilty?" exclaimed Jean.

And Camille answered, in a voice of anguish:

"I wish I could still doubt, after her confession". . . .

"He too!" said Jean; "love as well as justice. She has only me left. Ah! if I should fail her. . . . No matter, are you willing to save her?"

"Willing? Her confession at least redeems her fault and merits forgiveness."

"Ah! what does he say?" cried Father Jean, with mingled grief and indignation.

Camille addressed the commissary.

"Yes, Monsieur," said he, "I come to speak for her. You are one of those just men who cannot be seduced by gold, but by misfortune . . . and what misfortune worthier of pity! For in spite of the confession, I still doubt the crime. Do as I do, Monsieur: doubt also, in spite of this letter, dictated in some moment of madness. Poor girl, her imprisonment has crazed her. . . That's it. Oh! before believing her, I must see her, speak to her, know the solution of this cruel enigma. The baron has visited her; there has been some fraud, some wrongful pressure brought to bear, in view of a certain marriage, upon her, upon her noble heart, her love, and her devotion to me. She has sacrificed herself to release me, to save me from ruin. This will prove the explanation, I am sure. Yes, Monsieur, I swear it; I doubt no longer; I am familiar with guilty natures, with ruine women; and I declare that she is honor itself, incarnate sacrifice; this confession the best proof of it: she is the worthy daughter of a brave servant of my father, and I cannot tell you all the esteem that she merits. No, she is not guilty. It isn't possible. Day is not night. This old man is right. He alone appreciates her as she deserves. He believes. Ah! pardon me, dear Marie, for having doubted for a moment. Thank you, Father Jean, for having restored my faith, my hope, my love."

Jean, who had devoured Camille's words, embraced him passionately.

"Good! That's it! You are right . . . yes, she is an angel on earth . . . and I will prove it in spite of the letter."

"You, my friend?" exclaimed Camille, with joy.

Jean returned to his queer request.

"Give me . . . no, lend me . . . no, entrust to me thirty thousand francs for a day, an hour, a minute, and I will show her to both of you as white as snow."

"If that's all," exclaimed Camille, enthusiastically; "why, I would give the world for her. I will get the money, I will have it."

"Go after it, then," cried Jean, impatiently, and pacing back and forth.

"Their confidence is telling on me," said the commissary to himself.

Jean led away the departing Camille.

"But not a word there, at the baron's! Keep on in your present course, with a melancholy air, and pretend that you are going to marry the other. Don't let them suspect anything. Consent to everything! And tomorrow I will restore you your wife and recover my daughter . . . provided Monsieur allows me," he added, humbly bowing to the commissary.

"Well, all right!" said the latter, coming to a decision. "I have seen so many odd things in the exercise of my functions. I must reject no method of getting at the truth."

Camille shook hands with the rag-picker, and started off on a run.

"Ah! thank you! thank you! Monsieur commissary," said Jean. "You have done well! Justice for all! But, Monsieur, one more favor. Let me speak and act in my own fashion. Trust to me to the end . . . we have cunning enemies to deal with, you see. You are very sharp, I know . . . but, pardon me, — I mean no offence, — in this case I am even sharper than you are. I see this matter more clearly than any one else; I see it from the heart. So promise that you will not interfere with me, and I swear that I will deliver to you three guilty parties for two innocent ones . . . a good bargain for a just man like yourself! My poor daughter, I love her so dearly that I shall succeed. I shall leave Vidocq entirely in the shade."

And kissing the commissary's hands, he added:

"Till tomorrow, Monsieur! And may your kind heart reward you!"

He returned to his place between the two guards, and, taking their arms, at a gesture of the commissary he went out, leading them after him.

CHAPTER VII.

THE GUNS.

Father Jean went back to the Conciergerie as if he were going home, free from anxiety and alcohol, balanced, solid, full of confidence, — himself again, in a word.

He went to bed and rose, satisfied with what he had done and with what he was going to do, filled only with impatience to finish.

Chaumette and Bonnin, meeting him in the yard again, could not get over their surprise at the change.

"So, it seems that things are going better," cried the young workman making room for him in the sunshine beside the old man.

The latter inquired in his turn.

"Then you have found your daughter again?"

"Indeed I have," said Jean; "found her and saved her, or, at least, as good as that. I am only waiting now for the pleasure of seeing her again. Oh! my heart is big with joy."

"So much the better! . . . But that is not the case with me," said Chaumette.

"Let's hear, what is it?" said the rag-picker, moved. "Who knows? I am having a streak of success. . . . Speak! If I could serve you. I make a specialty of salvations, good and bad; have confidence. We are of the same age". . .

"And have the same misfortune. . . Well," added the old workman, "I too have a daughter . . . but the Public Charities alone know where she is, for I had to abandon her". . . .

"Abandon her!" said Jean, severely.

"Oh! it was not my fault. It was necessary. Her mother carried away the milk to her grave. If I could have nourished her with my blood.". . .

"I know," murmured Father Jean, softened. "Marie too came near falling into their clutches. . . Yes, those Public Charity people, I know them . . . they are executioners! What's to be done?"

"My poor Marianne," groaned Chaumette, sorrowfully.

"Marianne!" repeated Bonnin; "a famous name, my faith!"

"Yes, Marianne Chaumette," repeated the old man. "But they must have rechristened her before burying her."

Bonnin, touched by the old man's pain, gave voice to a hope.

"Bah! it is only mountains that never meet. Perhaps by taking steps . . . to day, under the Republic". . . .

"The Republic!" exclaimed Chaumette, bitterly; "still and always 'the best of Republics.' Yes, I have taken all the steps and been to all the Charity offices. And nothing . . . it is finished . . . I shall never see my child again. And now I have but one idea in my head."

"What's that?" asked Bonnin.

"I returned to the pawnshop under the Republic as under Royalty; and once more I was obliged to pawn my hammer and even my two guns". . . .

"Two guns?"

"Yes, I had two after February. One I snatched from a royal guard in July, and the other from a municipal in February."

"I understand," answered Bonnin

"Well, I should like to redeem them before dying and make use of them a last time against those who are starving the people and ruining the Republic. For, at the rate at which we are going, the Empire is not far off. The faubourgs are already full of friends of the pretenders, who are gradually taking from us the consciousness of our rights and duties. The people's heads are as empty as their bellies. Hunger makes one yawn and sleep. . . . Poverty leads to beggary more than to the barricade. . . . Our masters know it well. . . . But never mind! There are not only the resigned . . . there are also the desperate. Ah! if I were only out and in possession of my pawned articles."

"You shall have them, be sure of it," exclaimed Bonnin, enthusiastically. "As soon as I am out, I shall go at once to work; and out of my first fortnight's pay I will redeem your things . . . and share them with you."

Brutus Chaumette looked him in the eye for a moment, and then drew a pawn-ticket from his pocket and handed it to him.

"There," said he, simply.

Bonnin took the paper, put it in his pocket, and observed:

"But say, that's not all. Where and how shall we meet later?"

"True," said Chaumette; "I am under arrest as a vagabond. I shall be sentenced to prison, and, after the expiration of my term, I shall be sent to the poor-house."

"I have it," exclaimed Father Jean, who, though thinking of Marie, had heard the father of Marianne; "you have no abiding-place; that's the reason of your arrest, isn't it?"

"Yes; what then?"

"Tomorrow I shall be free; I will give your name instead of mine to my janitor, and abandon my quarters to you. I warn you that they are not very fine."

Chaumette looked at the rag-picker in surprise.

"And you?" said he.

"I? I?" said Jean; "don't trouble yourself about me. Here, there is your address. You will give it to the judge. They will make inquiry. . . . And that will go as on wheels. You have a residence; then you have committed no offence!"

"Thank you, I refuse," said Chaumette.

"And your guns, my brave old man?"

"True," said Chaumette. "I accept, but not for long."

Jean, for sole reply, pressed his hands.

Just then the voice of the crier was heard.

"Jean, rag-picker!"

"They are calling me. Victory! Very sorry . . . no, excuse me, very glad to leave you in order to save you. But I will see you again soon," he cried, as he started off.

Then reconsidering and returning, he said to the old workman:

"Stay, I forgot; there's the key; it's the top floor, the attic. Your residence is found; Bonnin will look out for the rest."

The young man applauded.

"Bravo and thank you, old man," he exclaimed.

And turning toward Chaumette as Jean went off, he added:

"I told you that he had something better than wine in his belly. Ah! the worthy man! There you are, saved!"

"Yes," sighed Chaumette. "But she!"

And taking his grey head in his worn hands, he began to dream again of his lost child, thus satisfying in thought his unquenched thirst for paternity; that love so natural, so instinctive, so intense, so human, considering the length of human infancy, so imperious and so tenacious, which tortures old men deprived of posterity by their fault or their poverty, just punishment of the rich bachelor and iniquitous torment of the poor, in a society founded on family and property.

CHAPTER VIII.

PARADISE FOR SALE.

Madame Potard, shaken by the baron's threats and without news from Jean, was getting ready to surrender her Paradise to another *maker of angels*.

Seated before her desk, she wrote and soliloquized thus:

"Announcement. Will be sold for cash, because of departure from the city, a midwife's establishment, enjoying a large and fashionable patronage, very profitable, and in a quiet neighborhood. The books alone show a business of 25,000 francs a year, to say nothing of the transactions that do not appear on them. Madame Potard's name may remain on the sign, if desired. Address the Bureau of Small Advertisements."

She rang, and continued her soliloquy:

"Whether the business is sold or not, I have enough to live on, and I save myself without waiting for the rest. Farewell, Paris, rag-picker, and banker!"

The servant entered, announcing:

"Monsieur Jean!"

"Ah! let him come in," exclaimed Madame Potard, joyfully.

Then, aside:

"What luck! I was beginning to despair."

She quickly folded up the note, thrust it into her pocket, and rose to receive the rag-picker.

Father Jean entered merrily, accompanied by a person of doubtful aspect, though well kept, — heavy side-whiskers, heavy gold chain, and heavy cane.

"Good day, Madame Potard?" said Jean, amiably.

His companion saluted her more graciously still.

Madame Potard's face darkened a little at sight of the stranger, in spite of his gold chain.

She expected that Jean would come alone.

"Good day, gentlemen," said she, coldly; "what can I do in your service?"

"It is in your service that I return, Madame," said Jean; "you see, I am a man of my word."

"Of your word?" repeated Mme. Potard, pretending not to understand.

"Yes, I come to settle," declared Jean.

"To settle?" repeated Mme. Potard, as innocently as if she had just fallen from the moon.

Father Jean resumed:

"Why, yes, the trick is played."

"What trick?"

"Suspicious creature! you can speak before him," said Jean, pointing to the stranger. "He is acquainted with the affair."

To be continued.

FREE POLITICAL INSTITUTIONS:

THEIR NATURE, ESSENCE, AND MAINTENANCE.

AN ABRIDGEMENT AND REARRANGEMENT OF

Lysander Spooner's "Trial by Jury."

Edited by VICTOR YARROS.

Continued from No. 151.

The mass of mankind can give but little of their attention to acquiring a knowledge of the law. Their other duties in life forbid it. Of course they cannot investigate abstruse or difficult questions. All that can rightfully be required of each of them, then, is that he exercise such a candid and conscientious judgment as it is common for mankind generally to exercise in such matters. If he have done this, it would be monstrous to punish him criminally for his errors,—errors not of conscience, but only of judgment. It would also be contrary to the first principles of a free government (that is, a government formed by voluntary association) to punish men in such cases, because it would be absurd to suppose that any man would voluntarily assist to establish or support a government that would punish himself for acts which he himself did not know to be crimes. But a man may reasonably unite with his fellow-men to maintain a government to punish those acts which he himself considers criminal, and may reasonably acquiesce in his own liability to be punished for such acts. As those are the only grounds on which any one can be supposed to render any voluntary support to a government, it follows that a government formed by voluntary association, and of course having no powers except such as all the associates have consented that it may have, can have no power to punish a man for acts which he did not himself know to be criminal.

The safety of society, which is the only object of the criminal law, requires only that those acts which are understood by mankind at large to be intrinsically criminal should be punished as crimes. The remaining few (if there are any) may safely be left to go unpunished. Nor does the safety of society require that any individuals other than those who have sufficient mental capacity to understand that their acts are criminal should be criminally punished. All others may safely be left to their liability, under the civil law, to compensate for their unintentional wrongs.

The only real object of the absurd and atrocious doctrine that "ignorance of the law excuses no one," and that "every one is bound to know the criminal law," is to maintain an entirely arbitrary authority on the part of the government, and to deny to the people all right to judge for themselves what their own rights and liberties are. In other words, the whole object of the doctrine is to deny to the people themselves all right to judge what statutes and other acts of the government are consistent or inconsistent with their own rights and liberties; and thus to reduce the people to the condition of mere slaves to a despotic power, such as the people themselves would never have voluntarily established, and the justice of whose laws the people themselves cannot understand.

Under the true trial by jury all tyranny of this kind would be abolished. A jury would not only judge what acts were really criminal, but they would judge of the mental capacity of an accused person, and of his opportunities for understanding the true character of his conduct. In short, they would judge of his moral intent from all the circumstances of the case, and acquit him, if they had any reasonable doubt that he knew that he was committing a crime.

VI.

MORAL CONSIDERATIONS FOR JURORS.

The trial by jury must, if possible, be construed to be such that a man can rightfully sit in a jury and unite with his fellows in giving judgment. But no man can rightfully do this, unless he hold in his own hand alone a veto upon any judgment or sentence whatever to be rendered by the jury against a defendant, which veto he must be permitted to use according to his own discretion and conscience, and not bound to use according to the dictation of either legislatures or judges.

The prevalent idea that a juror may, at the mere dictation of a legislature or a judge, and without the concurrence of his own conscience or understanding, declare a man "guilty" and thus in effect license the government to punish him; and that the legislature or the judge, and not himself, has in that case all the moral responsibility for the correctness of the principles on which the judgment was rendered, is one of the many gross impostures by which it could hardly have been supposed that any sane man could ever have been deluded, but which governments have nevertheless succeeded in inducing the people at large to receive and act upon.

As a moral proposition, it is perfectly self-evident that, unless juries have all the legal rights that have been claimed for them in the preceding chapters,—that is, the rights of judging what the law is, whether the law be a just one, what evidence is admissible, what weight the evidence is entitled to, whether an act were done with a criminal intent, and the right also to limit the sentence, free of all dictation from any quarter,—they have no moral right to sit in the trial at all, cannot do so without making themselves accomplices in any injustice that they may have reason to believe may result from their verdict. It is absurd to say that they have no moral responsibility for the use that may be made of their verdict by the government, when they have reason to suppose it will be used for purposes of injustice.

It is, for instance, manifestly absurd to say that jurors have no moral responsibility for the enforcement of an unjust law, when they consent to render a verdict of guilty for the transgression of it, which verdict they know, or have good reason to believe, will be used by the government as a justification for inflicting a penalty.

It is absurd also to say that jurors have no moral responsibility for a punishment inflicted upon a man against law, when, at the dictation of a judge as to what the law is, they have consented to render a verdict against their own opinion of the law.

It is absurd, too, to say that jurors have no moral responsibility for the conviction and punishment of an innocent man, when they consent to render a verdict against him on the strength of evidence, or laws of evidence, dictated to them by the court, if any evidence or laws of evidence have been excluded, which they (the jurors) think ought to have been admitted in his defence.

It is absurd to say that jurors have no moral responsibility for rendering a verdict of "guilty" against a man for an act which he did not know to be a crime, and in the commission of which, therefore, he could have had no criminal intent, in obedience to the instructions of courts that "ignorance of the law (that is, of crime) excuses no one."

It is absurd, also, to say that jurors have no moral responsibility for any cruel or unreasonable sentence that may be inflicted even upon a guilty man, when they consent to render a verdict which they have reason to believe will be used by the government as a justification for the infliction of such a sentence.

The consequence is that jurors must have the whole case in their hands, and judge of law, evidence, and sentence, or they incur the moral responsibility of accomplices in any injustice which they have reason to believe will be done by the government on the authority of their verdict.

VII.

FREE ADMINISTRATION OF JUSTICE.

The free administration of justice was a principle of the common law; and it must necessarily be a part of every system of government which is not designed to be an engine in the hands of the rich for the oppression of the poor.

In saying that the free administration of justice was a principle of the common law, I mean only that parties were subjected to no costs for jurors, witnesses, writs, or other necessaries for the trial preliminary to the trial itself. Consequently no one could lose the benefit of a trial, for the want of means to defray expenses.

But after the trial, the plaintiff or defendant was liable to be amerced (by the jury, of course,) for having troubled the court with the prosecution or defence of an unjust suit. But it is not likely that the losing party was subjected to an amercement as a matter of course, but only in those cases where the injustice of his case was so evident as to make him inexcusable in bringing it before the courts.

The principle of the free administration of justice connects itself necessarily with the trial by jury, because a jury could not rightfully give judgment against any man, in either a civil or criminal case, if they had any reason to suppose he had been unable to procure his witnesses.

The true trial by jury would also compel the free administration of justice from another necessity,—namely, that of preventing private quarrels; because, unless the government enforced a man's rights and redressed his wrongs, free of expense to him, a jury would be bound to protect him in taking the law into his own hands. A man has a natural right to redress his own wrongs and enforce his own rights. If one man owe another a debt and refuse to pay it, the creditor has a natural right to seize sufficient property of the debtor wherever he can find it to satisfy the debt. If one man commit a trespass upon the person, property, or reputation of another, the injured party has a natural right either to chastise the aggressor or to take compensation for the injury out of his property. But as the government is an impartial party as between these individuals, it is more likely to do exact justice between them than the injured individual himself would do. The government, also, having more power at its command, is likely to right a man's wrongs more peacefully than the injured party himself could do it. If, therefore, the government will do the work of enforcing a man's rights and redressing his wrongs promptly and free of expense to him, he is under a moral obligation to leave the work in the hands of the government; but not otherwise. When the government forbids him to protect himself, and deprives him of all means of obtaining justice, except on the condition of his employing the government to obtain it for him and of paying it for doing the work, the government becomes itself the protector and accomplice of the wrong-doer. If the government will forbid a man to protect his own rights, it is bound to do it for him free of expense to him. And so long as government refuses to do this, juries, if they knew their duties, would protect a man in defending his own rights.

Under the prevailing system, probably one half of the community are virtually deprived of all protection for their rights, except what the criminal law affords them. Courts of justice, for all civil suits, are as effectually shut against them as though it were done by bolts and bars. Being forbidden to maintain their own rights by force, and being unable to pay the expenses of civil suits, they have no alternative but submission to many acts of injustice against which the government is bound either to protect them free of expense or allow them to protect themselves.

There would be the same reason in compelling a party to pay the judge and jury for their services that there is in compelling him to pay the witnesses or any other necessary charges.

This compelling parties to pay the expenses of civil suits is one of the many cases in which government is false to the fundamental principles on which free government is based. What is the object of government but to protect men's rights? On what principle does a man pay his taxes to the government, except on that of contributing his proportion towards the necessary cost of protecting the rights of all? Yet, when his own rights are actually invaded, the government, which he contributes to support, instead of fulfilling its implied contract, becomes his enemy, and not only refuses to protect his rights (except at his own cost), but even forbids him to do it himself.

All free government is founded on the theory of voluntary association, and on the theory that all the parties to it voluntarily pay their taxes for its support on the condition of receiving protection in return. But the idea that any poor man would voluntarily pay taxes to build up a government which will neither protect his rights nor suffer himself to protect them by such means as may be in his power is absurd.

Under the prevailing system, a large portion of the lawsuits determined in courts are mere contests of purses rather than of rights. And a jury sworn to decide causes "according to the evidence" produced are quite likely, for aught they themselves can know, to be deciding merely the comparative length of the parties' purses rather than the intrinsic strength of their respective rights. Jurors ought to refuse to decide a cause at all, except upon the assurance that all the evidence necessary to a full knowledge of the cause is produced. This assurance they can seldom have, unless the government itself produces all the witnesses the parties desire.

To be continued.

Liberty.

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel." — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

A Book That is Not Milk for Babes.

The most important book that has been published this year comes to Liberty from the press of the J. B. Lippincott Company of Philadelphia. It is a little volume of something over a hundred very small pages printed from very large type. For ten years to come it probably will be read by one person where "Looking Backward" is read by a thousand, but the economic teaching which it contains will do more in the long run to settle the labor question than will ever be done by "Looking Backward," "Progress and Poverty," and "The Coöperative Commonwealth," combined. Its title is "Involuntary Idleness: An Exposition of the Cause of the Discrepancy Existing between the Supply of, and the Demand for, Labor and Its Products." The book consists of a paper read at the meeting of the American Economic Association in Philadelphia on December 29, 1888, by Hugo Bilgram, the author of that admirable little pamphlet, "The Iron Law of Wages," with which most readers of Liberty are familiar. I am strongly inclined to hail Mr. Bilgram's new work as the best treatise on money and the relation of money to labor that has been written in the English language since Colonel William B. Greene published his "Mutual Banking."

The author prefaces his essay with a very convenient and carefully prepared skeleton of his argument, which I reproduce here, since it gives a much better idea of the book than any condensation that I might attempt.

The aim of the treatise is to search for the cause of the lack of employment, which is obviously due to the observed fact that the supply of commodities and services exceeds the demand, although reason dictates that supply and demand in general should be precisely equal. The factor destroying this natural equation is looked for among the conditions that regulate the distribution of wealth, — *i. e.*, its division into Rent, Interest, and Wages.

The arguments evolved by the discussion of the Rent question, which of late has excited much public interest, being unable to account for the apparent surfeit of all kinds of raw materials, the topic of rent is eliminated by assuming all local advantages to be equal.

At first an examination is made of the relation of capital to the productivity of labor, and that of interest on capital to the remuneration for labor, showing that high interest tends to reduce the productivity of, as well as the remuneration for, labor. Low wages being also concomitant with a scarcity of employment, it is inferred that a close relation exists between the economic cause of involuntary idleness and the law of interest.

Following this clue, the two separate meanings of the ambiguous word "Capital" are compared, showing that money, which can never be used in the act of production, cannot be capital when that term is used in its *concrete* sense; and since capital is capable of producing a profit only when the same is used productively, the fact that interest is paid for money-loans, when that which is loaned cannot be used productively, must be traced to an independent cause. The usual argument that with money actual capital can be purchased is rejected, because money and capital would not be interchangeable if their economic properties were not homogeneous. This compels a search for a property inherent in money that can account for the willingness of borrowers to pay interest on money-loans.

It is then shown that interest on money-loans is paid because money affords special advantages as a medium of exchange, and the value of this property of money is traced to its ultimate utility, or, in other words, to the increment of productivity which the last addendum to the volume of money affords by facilitating the division of labor.

Returning to the question of interest on actual capital, — *i. e.*, the excess of value produced over the cost of production, — the question as to what determines the value of a product leads to the assertion that capital-profit must be due to an advantage which the producer possesses over the marginal producer. This is found to be due to the interest payable by the marginal producer on money-loans.

An ideal separation of the financial from the industrial world reveals a tendency of the industrial class to drift into bankruptcy by force of conditions over which they have no control. Those who are at the verge of bankruptcy being the marginal producers, others who are free of debt will reap a profit corresponding to the interest payable by the marginal producers on debts equal to the value of the capital they employ: hence the rate of capital-profit will tend to become equal to the rate of interest payable on money-loans, and the power of money to command interest, instead of being the result, is in reality the cause of capital-profit.

The inability of the debtor class to meet their obligations increases the risk of business investments, and the accumulation of money in the hands of the financial class depriving the channels of commerce of the needed medium of exchange, a stagnation of business will ensue, which readily accounts for the accumulation of all kinds of products in the hands of the producers and for the consequent dearth of employment. The losses sustained by the lenders of money involve a separation of interest into two branches, risk-premium and interest proper, and considering that the risk-premiums equal the sum total of all relinquished debts, the law of interest is evolved by an analysis of the monetary circulation between the debtors and creditors.

This analysis leads to the inference that an expansion of the volume of money, by extending the issue of credit-money, will prevent business stagnation and involuntary idleness.

The objections usually urged against credit-money are considered and found untenable, the claim that interest naturally accrues to capital is disputed at each successive stand-point, and in the concluding remarks an explanation is given of the present excess of supply over the demand of commodities and services, confirming the conclusion that the correction of this abnormal state is contingent upon the financial measure suggested.

Admirably accurate as the foregoing is as an outline, it conveys only a faint idea of the beautifully calm, logical, and convincing way in which the argument is worked out and sustained. It seems impossible that any unbiassed mind should follow the author's reasoning carefully from the start to the finish and not accept the conclusion which he reaches in common with Liberty, — namely, that our financial legislation is the real seat of the prevailing social disorder, and that the only way to secure remunerative employment to all who are able and willing to work is to abolish the restrictions upon the issue of money.

Moreover, the author not only establishes the strength of his own position, but throws numerous and powerful side-lights upon the weaknesses of others. He shows the inadequacy of Henry George's theory as an explanation of enforced idleness, the futility of protection, tariff reform, factory acts, and anti-immigration laws as measures of relief from stagnation of commerce, and the absurdity of the fiat-money theorists and all who hold with them that the value of money is dependent upon its volume. If Mr. Lloyd, who lately proposed the use of communistic credit money, will get Mr. Bilgram's book and carefully read pages 64–77 inclusive, I think he will be satisfied of the unsoundness of any credit-money system that does not specifically assure the ultimate redemption of each note by value pledged for its security.

Having thus declared my high appreciation of this book, I may add a word or two by way of criticism. The policy of the author in abandoning what he himself considers the true definition of the word *capital* and adopting the definition generally sanctioned by the economists is of very questionable utility. It is true that he does not allow this confessed misuse of a word to vitiate his argument, but it forces him nevertheless to separate capital from money; and thereby he strengthens the hold of the delusion which is exploited so effectively by the champions of interest, — namely, that in an exchange of goods for money the man who parts with the goods is deprived of capital while the man who parts with the money is not. If Mr. Bilgram had used the word *capital* to mean what he thinks it means, — all wealth capable of bringing a revenue to its owner, — he would have deprived his opponents of their favorite device for confusing the popular mind.

But this is a question of words only. It involves no difference of idea between Mr. Bilgram and Liberty. On another point, however, there is *substantial* disagreement. When Mr. Bilgram proposes that the government shall carry on (and presumably monopolize, though this is not clearly stated) the business of issuing money, it is hardly necessary to say that Liberty cannot follow him. It goes with him in his economy, but not in his politics. There are at least three valid reasons, and doubtless others also, why the government should do nothing of the kind.

First, the government is a tyrant living by theft, and therefore has no business to engage in any business.

Second, the government has none of the characteristics of a successful business man, being wasteful, careless, clumsy, and short-sighted in the extreme.

Third, the government is thoroughly irresponsible, having it in its power to effectively repudiate its obligations at any time.

With these qualifications Liberty gives Mr. Bilgram's book enthusiastic welcome. Its high price, $1.00, will debar many from reading it, but money cannot be expended more wisely than in learning the truth about money. T.

Evolutionary, Not Miraculous, Change.

Among the large and constantly increasing number of intelligent people who have outgrown the pitiful state of mind which allows trust and faith in the silly methods and plans of State Socialism are many who would eagerly embrace Anarchism, if one serious misgiving did not trouble them. They are inclined, perhaps anxious, to aid in inaugurating and perpetuating the reign of liberty, but they fail to see that liberty is the only thing needed, not only to guarantee peaceful and orderly progress after the complete dematerialization of all existing iniquities, but also as a means of breaking up the present organization of society and gradually healing the deep and dangerous wounds which injustice has inflicted upon countless members of society. "You properly insist," they say, "that equality of opportunity alone is sufficient, that a fair field is all one can rationally demand, and that, when this is given, reward must be left to be naturally determined by merit. Now, we quite readily second you in such pleading. But suppose we have succeeded in abolishing every vestige of privilege and legalized inequality; suppose we have freed ourselves from the yoke of authority and enjoy the fullest liberty of action. Can you for a moment remain under the delusive idea that justice would at once be enthroned and equal liberty, in the true sense of the term, be really extended to all? If you only consider the enormous inequality which exists in the mental development of the various social classes, it must dawn upon your mind that exploitation and political tyranny will continue to prevail and grow even after the downfall of existing institutions. Long ages of ignorance and wrong have reduced us to a condition which renders the production of masters and of slaves equally unavoidable. Those who are destitute of all material and intellectual resources must remain the dependents of those who possess the means of power and domination. Do you tell us, then, that equality of opportunity is possible here and now, and that no extraordinary temporary measures are necessary to equalize the high and the low, to neutralize the consequences of past injustice? Would not liberty be a mockery, competition simply an empty and unreal appearance?"

Thus expostulate the undecided, offering no new idea or solution of their own, and refusing to move an inch in our direction unless this difficulty is disposed of.

It amuses me to picture the astonished expression of these resolute people on being assured that we perfectly agree with their description of the state of things which would be observed if all external authority and

all legalized wrong were suddenly removed out of sight. Since we do not propose to abolish the present system in that fashion, and since we never claimed that it could be so suddenly abolished, the criticism does not seem to be pertinent. Even Rome could not be destroyed in a day; and as to Roman traditions, long periods of time and new habits of thought would be required to exorcise them from the mind and heart. It being predicated that long ages of wrong have worked to bring about the lamentable condition of today, the inference is at once suggested that no short time can be expected to effect a change so great and so radical. The whole question is whether it is within our power to check the growth of the social disease and to apply to it remedies which would cause a gradual tendency towards a recovery of health. That a sudden restoration of vigor is absolutely impossible for the long-neglected and weak patient, we consider to be a stubborn fact. We are asking ourselves whether there be really no hope, and the patient must grow worse and worse, approaching the inevitable end, or whether it is possible to furnish him means of relief and slow recovery. And those who are satisfied that such means are to be had must next, in case there be a variety to choose from, find what is the safest and surest to be applied. In this case of the social disease, about which we are now consulted, it is our firm opinion that liberty is decidedly the only means whereby the world may be saved, and we therefore recommend the patient to try the virtues of this elixir. But it is utterly impossible for him to leave his bed and sick-room, and at once step into the arena of the life-battle. There is the inevitable long period of convalescence to pass through.

Dropping metaphor, the people need to be emancipated from political tyranny and from economic bondage. The emancipation cannot be forced upon them; they must to some extent be prepared to accomplish the work for themselves, though of course the guiding and directing of it will fall to the progressive minority. They must first vividly and intensely realize that they *are* suffering from political tyranny and economic slavery, and then they must step by step discover and apply the needful remedies. The way to no authority lies through less and less authority, and the way to equality of opportunity lies through gradual extension of opportunity. In our opinion, the principle of mutualism in exchange and the principle of occupying ownership in the matter of landholding are the only important factors which can and will transform the present society, by degrees, into one governed according to strict justice. It devolves upon us to urge this truth upon the people's intelligence, and to instigate them to demand of the powers that be the liberty to practise and verify it; which task we are ready to perform to the best of our skill and knowledge. On the other hand, it is incumbent upon those who have neither the patience and perseverance to follow, nor the penetration and insight to perceive, this evolutionary process upon which we rely, to devise or discover a shorter and speedier method of bringing about the great change which at the same time should not involve the sacrifice or loss of individual liberty and dignity.

V. Y.

Socialistic Prophets.

Treating of the telegraph monopoly, in an article in the "North American Review," Prof. R. T. Ely took occasion to remark that many years ago he had predicted the state of affairs that now prevailed. He had foreseen that smaller companies, like the Baltimore and Ohio, would be swallowed up by greater, like the Western Union, and now he submits reasons why the Western Union in its turn should be swallowed up by the government. It is this power of prediction, as well as the nature of his predictions, more than his timid assent to half their platform, that makes him so interesting to State Socialists.

H. M. Hyndman has been predicting somewhat of late, and in a recent article in defence of Marx, shows that Marx predicted the commercial crises, etc., that Jevons said were due to the sun spots. The value of these predictions (taken alone) are analogous to the predictions of some eminent physician who, from one small-pox or cholera patient as a starting point, should predict that in a certain period — more or less unknown — the whole community would become contaminated; and that then the medical millennium would arrive when we should all be congregated in one gigantic home, ready for the new birth — or death; but until that time individual cases, or small groups of cases, could not be dealt with successfully.

It all depends upon how we look at this evolutionary movement toward one general state of disease. The collectivist looks upon the development of monopolies as a desirable result, and the Nationalists and State Socialists are so anxious that the crisis should arrive that they want to help nature along by inoculating us all. This is the explanation of the Gronlund policy in supporting protective tariffs and the encouragement given to the centralizing influence of the Republican party. Like early hydropaths, who looked upon crops of boils and other skin eruptions as a necessary step towards health, — a hopeful crisis they called it, — so these socialistic empirics look upon monopolistic excrescences as a crisis that must inevitably occur in the order of progressive development.

In a certain sense, society may be considered an organism, but it certainly is not a living organism, and though it may pass through certain stages, these changes are entirely due to external causes that are sometimes arbitrary and always variable. But these predicters argue as if society were a living organism, like a fish or a man, and always bred true, and claim that the "scientific socialist" is able to foresee each particular stage of its growth, like an embryologist who can follow a speck of protoplasm from the formation of the first cell through its several stages till its entrance into the world as a chick or a monkey. It is true that, observing certain tendencies, one can predict that, unless some break occurs, certain results will follow. Anarchists can predict that, given a legislative body with power to tax and make laws for the "public welfare," we get corruption and disorder. Given a body of Nationalists or other reformers who have no conception or care for liberty, with power to enforce by law their reforms, and we have a tyranny that may be followed by a revolution, unless the people become law-fearing, docile slaves. Given a protective tariff and a legalized class of land monopolists, and we have wage slavery and strikes when the margin of starvation is reached. Given a body of national bankers and a legislative body composed of lawyers and speculators, and we have money panics and general bankruptcy, and fortunes for the manipulators. Proudhon predicted, just as clearly as Marx, the commercial crises into which we have been plunged again and again. But he did more than predict, — he forewarned and showed how they could be avoided. He saw these results as dangers to be averted, and not as necessary evils that must be gone through to get to the millennium. Tendencies are not necessarily to be followed, unless they are good: if bad, they should be changed: they are but the active expression of wills and purposes of men, and by changing these wills and purposes through means of agitation and education comes the birth of new ideas and new opinions, and consequently different tendencies. It is fatalism to observe tendencies only to fall in line, feeling that they are irresistible. This is worse than the sun-spot theory. Besides, tendencies are not always apparent, or to be relied on. An observer of French politics for twenty years past may be justified in predicting an empire; from Thiers to Ferry, and Carnot to Boulanger, gives good grounds for such prediction. But it is not safe to prophesy. After Boulanger may just as likely come the Commune — or the deluge.

What would we think of an engineer who, seeing and stating that the "general tendency of things" in an engine room was to the explosion of the boilers, should, after his prediction, thus answer the question what was to be done in the matter: "Let us wait for the evolution of things. If we must do anything, then pile on the coal, shut down the valves, and let her burst."

Yet this is precisely what one school of "scientific socialists" are doing.

I have been studying the literature of this school — the "Workmen's Advocate" as a sample — and conversing with its professors, and have come to the conclusion that they rely on general predictions in the proportion that they are unacquainted with the details and elementary teachings of true political economy: it is so much easier to prophesy than to study. They have read something about Marx's economic categories, and though they know that surplus value is all that the laborer does not get, they are very hazy in their conceptions of his theory of value. It is no fault of Marx if his disciples are unacquainted with enough economic reading to enable them to grasp what Yarros calls Marx's half-truths.

Consequently, though as a rule they have a far deeper understanding of the labor question than *bourgeois* like Bradlaugh or George, these latter, being keen-witted and in possession of but a very small mite of the truth, generally seem to have the best of an argument when listened to by an uncritical audience. This was well illustrated in the George-Hyndman debate in London.

How comes it that what Marx calls the "free laborer" has to sell his labor-power to the capitalist, instead of utilizing his power in coöperation with his fellows, for their own benefit?

How has the capitalist got possession of all the means of production? Is it because the principle of private property and competition has prevailed in the past, and therefore must be abolished in the future, or is it because the capitalists as a class have, by their cunning and intrigue, got legal titles to land, the source of all wealth, and, by monopolizing the medium of exchange, have successfully prevented natural distribution, and thus in a measure prevented both private property and competition? If the latter, then is it not sufficient to restore to the people the land, prevent the monopoly of the currency, and thus make possible the equitable distribution of the products of labor?

A. H. Simpson.

Liberty's Debt to the Aborigine.

The various influences that produced the spirit of independence in the early American colonist would afford a fruitful field of research to philosophic historians. Most of those who give the matter a thought attribute it mainly to the influence of Puritanism that the American settler soon became haughtily independent, so jealous of his rights, so restless under restraint. No doubt the Puritan revolt against the divine right of kings, and the critical and sceptical spirit necessarily aroused by such a contest, were important influences, but otherwise the spirit of Puritanism was harshly militant, tyrannical, and intolerant to the last degree. And its influence was necessarily confined to the New England colonies. The influence of Quakerism, with its contempt for all human titles and dignities, must have been more powerful than the influence of Puritanism, but even more limited in scope and application.

No, the central influence was more universal than any such sectarian teaching; it was an influence that struck all the colonies at once, affected them all the time, and nearly equally, and never could be kept out of mind, and, finally, produced the same fruits in all the colonies, from the green hills of Vermont to the blue ridges of Virginia, — the influence namely of the aborigine.

The influence of such a character as the American savage could not fail to be tremendous upon the American settler. When we observe what an immense modifying influence the negro has had upon the Southron, — his language, manners, agriculture, — till to the Northerner it appears a theory not altogether untenable that every one south of Mason's and Dixon's line is a part-blood, we can comprehend, somewhat, the amalgamation that necessarily and inevitably takes place where two races are brought into close contact, even if one is despised. And the Indian never permitted himself to be despised. Hated and feared he was, but he was too brave, ferocious, strategetic, vigilant a foe to be despised in a time when every man was a soldier; too marvellous in woodcraft to be contemned in a situation where every man was a hunter. The Indian kept neither out of sight nor of mind, and the "pale face" was com-

pelled, in spite of his *hauteur*, to recognize him well-nigh as an equal. The necessities of his situation compelled him to trade with him, hunt with him, accept his hospitality, fight with him, learn from him. And with a swiftness that, considering the proud, stubborn character of the Englishman and his hatred of imitation generally, must be regarded as something marvellous, the whole external life of the settler became modified by that of the savage. The dress of the savage — furs and buckskin, fringed and beaded, tunic, leggings, moccasins, wampum belt — was adopted almost *in toto*. The Indian grain, maize, furnished his daily bread; the Indian's drug, tobacco, was his solace: he used the Indian's wampum as money; his boat was the Indian's canoe; he adopted the Indian remedies for his few diseases; in spite of prejudice he frequently retained the Indian names for places. In war he adopted the Indian methods, the Indian's weapon, the tomahawk, the Indian's whoop, too often the favorite Indian mutilation of scalping.

With all this wide and varied modification of the colonist's external life, are we to suppose his mental life remained unaffected?

Was there nothing in the Indian character that suited the settler's need mentally, as well as the deerskin dress met his needs physically?

Do we not notice that, when we masquerade in the dress of another, we experience an almost irresistible tendency to imbibe the spiritual condition of that other, — to suit the character to the dress?

I think an affirmative answer can be truthfully returned to all these questions. And I will assert (I cannot now stop to prove it) that the American aborigine, judged by the best specimens of his race (and how would the "noble Roman," the Greek, or even the modern Anglo-Saxon, appear judged by any other standard), as he appeared to the North American colonist, was the noblest savage of his time, if not of all times. Morally he was in the main the superior of his white visitor. He was more dignified, self-controlled, hospitable, faithful to his word, and free from physical vice. This much we can easily see even from the one-sided history we have of him, furnished altogether by his supplanters, who may not unreasonably be suspected of saying the worst they could of him by way of self-excuse.

It is true that in the treatment of his foes the Indian was a degree worse than his white visitor, but the difference was only in degree: consider the rewards offered from time to time, in early American history, for scalps; the roasting of the Pequods in their town by Mason; the witch-burning and heretic tortures; the torturing of witnesses; the beheadings, whippings, drawings, quarterings, the pillory, and all the ghastly list of persecutions and outrages of that age. I admit that the Indian accepted in all its fullness the atrocious maxim that "all is fair in war," and that here, theoretically, and to some extent practically, he showed himself morally inferior to the pale face.

But in his relations with his associates the Indian was superior. He was superior in religion. His simple monotheism, unencumbered with ritual or dogma, was vastly less superstitious and absurd, vastly more conducive to reason, brotherhood, and toleration, than the white man's *pot pourri* of creeds. Accordingly we find that the Indian was in an ideal state of religious liberty, no religious wars, no persecutions, no inquisitions; and, when the white missionary came, he was welcomed, and listened to respectfully, and argued with reasonably. What a contrast to Christendom at that time, without a single sect (unless the Free Masons can be called a sect) espousing toleration; with almost every sect denouncing it. A great deal of hypocritical indignation has been expressed at the treatment of the squaws, — or perhaps not so hypocritical as unreflective. There were but four occupations open to the Indian, — War, the Chase, Home-keeping, Corn-raising. By a simple and well-nigh inevitable division of labor two of these fell to the squaw, two to the brave. But there was nothing in Indian customs to prevent the squaw from becoming an Amazon, if she chose; and it was open to her, by skill, valor, or wisdom, to raise herself to any position, even to the highest, the Sachemship. To this day, in almost all the tribes, there are "squaw-chiefs" of great influence. Even the mysteries of the Medicine Lodge, by observing the proper conditions, were open to them. As evidence on these points I can only take space to refer the reader to the life of J. P. Beckwourth (Harper & Bros.), and the heroines there mentioned, — Pine Leaf, and the "little wife," Nom-ne-dit-chee. In her sexhood, too, the Indian maiden was vastly freer than the white one, and rape, among the forest Indians, appeared unknown, even upon the persons of captives. But admitting that the Indian's treatment of his squaw (whom he did not regard as his equal, unless she proved herself such by such proofs as he respected) was not what it should have been, let us turn to his treatment of the male members of his clan. It was this conduct which was most likely to impress his white observers. And here we find a remarkable condition of individual liberty and responsibility, equality, fraternity, and solidarity.

In peace every man was absolutely free, without tax or restraint except that which custom and public opinion laid upon him. If he invaded the equal freedom of his fellow, which was most rare, he had only to make restitution, and all was as before. Disputes were settled by combat, or by the arbitration of the old and wise. The chief could only be despotic so far as his personal ferocity or strength enabled him to be so. Ordinarily he was but a leader, obeyed from confidence and admiration, not fear, every warrior being free to secede when he chose; this being as true in war as in peace. Courage, skill, wisdom, eloquence, in one word, virtue, it was, alone, that gave power and influence among them. Considerable voluntary communism existed among the braves; but nothing that interfered with the autonomy of the individual could maintain any hold among them. To show that this spirit still obtains, I quote from an article on "Chief Joseph, the Nez Percè," in the "Century" for May, 1884 (C. E. S. Wood). Speaking of these Indians, the author says: "With them, as with all warlike, nomadic peoples, the decision of a majority is not regarded as binding the minority; this principle is unknown. In their institutions the autonomy of the individual is so complete that a chief approaches absolutism only in proportion to his personal strength of character, and the strongest never dreams of such an attempt at power, but acts upon the will of the people, expressed in council; and if there be but one man who dissents, his right to depart from the action of the others is unquestioned." So it is manifest that pretty much the same spirit animated, and still animates, all the North American tribes.

With such an example and influence operating upon them on one side, and the outrageous despotisms and petty tyrannies of the mother country tormenting them on the other, is it any wonder that these hardy pioneers and hunters were tinder to the fiery doctrines of Paine and Jefferson?

Let us not forget the aborigine as a teacher of liberty.

J. WM. LLOYD.

My criticism of the "Voice of the People" in last Liberty is thus met by the Denver "Individualist": "I am not at all surprised that (the editor) should be willing to club with 'Looking Backward' and the 'Dawn.' Perhaps I can best illustrate my views by giving a personal experience that occurred three days ago. A young lady, looking through my library, asked me for a book to read. I had no knowledge of her nor she of me other than that to be gained from a two minutes' acquaintance. I contemplated giving her 'Natural Rights,' . . . . 'Social Statics,' and other books, but finally concluded that she would hardly understand them. So I let her have 'Looking Backward,' a book which I consider worthless in many respects, but valuable for the purpose of inciting discontent with present conditions and awakening reflection. I doubt not Mr. Swartz, in advertising 'Looking Backward' and the 'Dawn,' was actuated by a similar motive. Even the irrational verbiage of Gronlund, as well as the potent logic of Mr. Tucker, serves a good purpose, for it undoubtedly arouses the combativeness as well as disgust of capable minds." This explanation is rather weak. In the first place, "capable minds" can have no difficulty in understanding Spencer or Spooner or Andrews or Warren or any other Anarchist writer, and there is absolutely no need of treating them in Mr. Stuart's original fashion. In the second place, if men believing in Anarchism will help to circulate the writings of their opponents among intelligent people, troubling themselves little or nothing about the popularity of their own literature in that quarter, what is the use of producing such literature? Surely there is nothing to hope for from the incapable and unintelligent. Liberty's criticism of the "Voice of the People" was not moved by any fear of the results from the circulation of State Socialistic literature, but by disgust at the thought that an Anarchistic journalist should offer a worthless defence of authority as a premium to his subscribers, thereby officially stamping it as something of value.

Laws, and How to Make Them.

To the Editor of Liberty:

The Symposium on the Land question in the London "Personal Rights Journal" has been referred to in your columns. A recent writer in Liberty thus alludes to my contribution: "Perhaps Mr. Donisthorpe is the only writer who succeeds in failing both in his premises and his conclusions." This is rather off-hand, and would almost justify me in offering to bet that the writer of it has never read the article he so criticises. You can fail in your premises only by stating untruths; you can fail in your conclusion only by drawing illogical inferences. Will V. Y. have the goodness to point out a single misstatement in my paper, or a single false syllogism? I have a right to ask this. I wonder what V. Y. would think if I were to reply to him in the style he has chosen to adopt, — thus, "V. Y. is altogether wrong, and no one need take the smallest notice of his remarks." However, I never take notice of unsupported expressions of opinion concerning my own writings, because I attach not the slightest importance to them when they concern the writings of other people. I refer to this comment for two reasons: first, because V. Y. proceeds to misrepresent my views in a positively ridiculous manner; second, because I want a peg on which to hang some reflections suggested by the really able criticism of Mr. Spence in his contribution to the symposium.

Mr. Spence begins by attributing to me a most extraordinary statement, — *viz.*, that all our laws are right. I am so unaccustomed to being charged with law-worship that it is really refreshing to find myself in such genteel company. To one who has been struggling for years to smash nearly every law on the statute book this comes as quite a pleasant shock. But alas! I must in honor disclaim the credit of this utterance. I never said that all our laws, nor anybody else's laws, are right. Most of them are, in my opinion, wrong. What I did say and still maintain is that every act of a citizen which conforms with the laws of his own country is right, in the juridical sense of the term. Of course, if Mr. Spence does not like this well-established definition of "right" I am quite willing to use any other term which will make my meaning clear to him. What shall we call the acts of citizens which accord with the will of the effective majority? Shall we call them saffron, or oblong, or esoteric, or what? It is all one to me. Where there is no regulative Group-force, there is no such thing as right in the juridical sense; or, if we prefer to put it so, every act is right. Robinson Crusoe had a right to do just whatever he liked, and whatever he did was right.

I am quite aware that the term Right is also used in another sense in connection with morality. But surely there is no need to confound the two disparate meanings. I am willing to forego this ethical use of the word, if need be, and to style those individual acts which conduce to the welfare of the agent, not "right," but "wise." What should we think of the mathematician who should contend that every angle exept an angle of ninety degrees is wrong, because it is not a right angle. Let us abolish words altogether when we are examining these questions in our own private minds. And instead of the word or short formula, let us substitute the conception. Let us think to ourselves instead of talking to ourselves, remembering the warning of old Tom Hobbes. "Words are wise men's counters; they do but reckon by them; but they are the money of fools."

Thus far, Mr. Spence, we are agreed: not all our laws are right. I will outrun you a little here: I say, most of our laws are wrong. And by that I mean that they do not conduce to the ultimate welfare of the effective majority which enacts them.

Let us advance to the next paragraph. I accept it just as it stands. I could not re-state it in better language. Granting Austin's proposition, or, rather, definition, that acts conforming with the law are right, it throws no light whatever on the question: What ought the law to be? Austin gives us no guidance to legislation. But then he did not pretend to do so. "And," says Mr. Spence, "we must be guided by our ideas of expediency, or by our ideas of justice." True; and which? Here we part company. Mr. Spence chooses Justice as his guide. I do not, for a simple

reason which I have stated. I suppose Mr. Spence thought I was paradoxazing when I said I could no more define justice than I could define Abracadabra. Not at all. In all honesty and sincerity, I have not the faintest conception what is commonly meant by Justice. Happiness I know; welfare I know; expediency I know. They all mean the same thing. We can call it pleasure, or felicity, or by any other name. We never ask why it is better to be happy or unhappy. We understand pleasure and pain by faculties which underlie reason itself. A child knows the meaning of stomach-ache long before it knows the meaning of stomach. And no philosopher knows it better. I repeat: Expediency, in the sense in which I use the term, has a meaning. Justice has no meaning at all; that is to say, it conveys no definite meaning to the general understanding. It may mean pumpkin-squash to some people, and it may mean something quite definite to Mr. Spence. It probably does, or he would not use it. But, if so, I must ask him to define it. Here is a flat-race about to be run between a strong, healthy boy of sixteen and a delicate lad of twelve. What says Justice? Are we to handicap them? Or are we not? It is a very simple question, and I think Mr. Spence ought to furnish us with a simple answer. If he says Yes, he will have half the world down upon him as a Socialist leveller. If he says No, he will have the other half down upon him as a selfish brute. But he must choose.

But lower yet. Even supposing that justice has a distinct connotation, and furthermore that it connotes something sublime, even then why should I conform to its dictates? Because it is a virtue? Nonsense; because *it is expedient*. Why should I tell the truth? There is no reason why, except that it is expedient for me, as I know from experience. There is no baser form of lying than fly-fishing. Is it wrong? No. Why not? Because I do not ask the fishes to trust me in the future. That is why. But to return to the flat-race; I think Mr. Spence will say, No handicapping. In which case I ask him what he means by this sentence in the "Journal"? "The distribution of wealth in this country where one man may own a county and another be indebted to charity for the rags that cover him is neither just nor expedient." Does he mean that Justice would take from the over-rich capable man in order to give to the poverty-stricken fool or drunkard? And if not that, what does he mean?

I have said that Justice is not a safe guide to the solution of political questions. Now, Mr. Spence is of opinion that, when the question is asked: "What is fair and just between man and man? you can get a jury of twelve men to give a unanimous verdict." And "that by reasoning from what is fair between man and man we can pass to what is fair between one man and several, and from several to all; and that this method, which is the method of all science, of reasoning from the particular to the general, from the simple to the complex, does give us reliable information as to what should be law."

Now, the flaw in this chain of reasoning is in the assumption that, because you can get a unanimous verdict in the majority of cases as to what is fair between man and man, *therefore* you can get a true verdict. Twelve sheep will unanimously jump through a gap in the hedge round an old quarry if one of them will but give the lead. I do not believe that a jury of twelve philosophers, or of twelve members of parliament, or of twelve judges of the realm, or of twelve anybodies, could decide correctly what is just and right between man and man in a thousand and one cases which could be stated without deviating from the path of everyday life.

And the more they knew, the less likely they would be to agree. Mr. Spence thinks the intelligence of the "ordinary elector" quite sufficient to tell him that "it would be unjust to take from a man by force and without compensation a farm which he had legally and honestly bought." Well, this is not a very complex case; and yet I doubt whether the "ordinary elector" could be trusted even here to see justice,—and to do it. Mr. Spence's recipe for making good laws forcibly reminds me of an old recipe for catching birds: "Put a pinch of salt on its tail." I remember trying it,—but that is some years ago. I grant that, having once got at a sound method of deciding what is fair and right between man and man, you can easily proceed from the particular to the general and so learn how to make good laws. Yes; but first catch your hare. First show us what is fair between man and man. That is the whole problem. That is my difficulty, and it is not removed by telling me you can get a dozen fellows together who will agree about the answer.

Take a very simple case. X and Y appoint me arbitrator in their dispute. There is no allegation of malfeasance on either side. Both ask for justice, and are ready to accord it, but they cannot agree as to what is justice in the case. It appears that X bought a pony *bona fide* and paid for it. That is admitted. It further appears that the pony was stolen the night before out of Y's paddock. It is hard on Y to lose his pony. It is hard on X to lose his money. To divide the loss is hard on both. Now, how can Justice tell me the true solution? I must fall back on expediency. As a rule, I argue, the title to goods should be valid only when derived from the owner. But surely an exception should be made in the case of a *bona fide* purchaser; "for it is expedient that the buyer, by taking proper precautions, may at all events be secure of his purchase: otherwise all commerce between man and man would soon be at an end." These are the words of Sir William Blackstone, but they are good enough for me. Therefore (and not for any reason based on justice) I should feel disposed to decide that the pony should remain the property of the purchaser. But, on further reflection, I should bethink me how extremely easy it would be for two men to conspire together to steal a pony, under such a law. One of them leads the pony out of the field by night, sells it to his colleague, gives him a receipt for the money, and disappears. Is this farce to destroy the owner's title? What am I to do? Justice entirely deserts me. I reflect again. There seems to be something "fishy" about a night sale in a lane. Now, had the purchaser bought the pony at some public place at a reasonable hour when people are about, there would have been less ground for suspicion of foul play. How would it be, then, I ask myself, to lay down the general rule that, when the deal takes place at any regular public place and during specified hours, the purchaser's title should hold good; but that, when the deal takes place under other circumstances, the original owner's title should stand? This would probably be something like the outcome of the reflections of a simple, untutored mind actuated by common sense. But it is also very like the law of England.

If I appeal for guidance to the wise, the best they can do is to refer me to the writings of the lawyers, where I shall find out all about market overt and a good many other "wise regulations by which the law hath secured the right of the proprietor of personal chattels from being divested, so far as is consistent with that other necessary policy that *bona fide* purchasers in a fair, open, and regular manner should not be afterwards put to difficulties by reason of the previous knavery of the seller." But we have not got to the bottom of the problem yet. There are chattels *and* chattels. Tables have legs, but cannot walk; horses can. Thereby hangs a tale. (To printer's devil: please do not alter the spelling of this word; it has no reference to the tail of the pony). Consequently, when I think I have mastered all these "wise regulations," I am suddenly knocked off my stool of superior knowledge by a couple of elderly statutes,—2 P. & M. c. 7 and 31 Eliz. c. 12,—whereby special provision is made for horse-dealing. It is enacted that "the horses shall be openly exposed in the time of such fair or market for one whole hour together, between ten in the morning and sunset, in the public place used for such sales, and not in any private yard or stable; and shall afterwards be brought by both the vendor and vendee to the bookkeeper of such fair or market, who shall enter down the price, color, and marks of such horse, with the name, additions, and abode of such vendee and vendor, the latter being properly attested. And even such sale shall not take away the property of the owner, if, within six months after the horse is stolen, he put in his claim before some magistrate where the horse shall be found; and within forty days more prove such his property, by the oath of two witnesses, and tender to the person in possession such price as he *bona fide* paid for the horse in market overt. And in case any of the points before mentioned be not observed, such sale is to be utterly void, and the owner shall not lose his property; and at any distance of time may seize or bring an action for his horse, wherever he happens to find him."

I do not say that I approve of all these safeguards and rules, but I do say that they testify to a perception by the legislature of the complexity and difficulty of the question. And furthermore, if Mr. Spence, or V. Y., or anybody else offers to decide such cases off-hand on general principles, and at the same time to do justice, he must be a bold man. For my part, the more I look into the law as it is, the more do I see in it of wisdom (not unadulterated, of course) drawn from experience and based on expedience. The little obstacles which have from time to time shadowed themselves upon my mind as difficulties in the way of applying clear and unqualified general rules to the solution of all social disputes are brought into fuller light, and I perceive more and more clearly how hopeless, nay, how impossible it is to deduce the laws of social morality from broad general principles; and how absolutely necessary it is to obtain them by induction from the myriads of actual cases which the race has had to solve somehow or other during the last half-dozen millenniums.

I think Mr. Spence will now admit that he was mistaken in assuming that I regard law-making as an easy task when based on expediency. On the contrary, I think it is a difficult thing, but practicable: whereas to deduce good laws from the principle of Justice is impossible.

One word more about Justice. I have said that to most people the term is absolutely meaningless. To those who have occasional glimmerings, it conveys two distinct and even opposed meanings,—sometimes one, sometimes the other. And it has a third meaning, which is definite enough, but merely negative, in which sense it connotes the elimination of partiality. I fail to see how any political question can be settled by that. That the State should be no respecter of persons—that it should decide any given case in precisely the same way, whether the litigants happen to be A and B or C and D—may be a valuable truth, without casting a ray of light on the right and wrong of land-ownership.

In this negative sense of the term I will venture to define Justice as the *Algebra of Judgments*. It deals in terms, not of Dick, Tom, and Harry, but of X and Y. Regarded in this light, Justice may properly be described as blind,—a quality which certainly can not be predicated of that Justice which carefully examines the competitors in life's arena and handicaps them accordingly. Consider the countless questions which Impartiality is incompetent to answer. Ought a father to be compelled to contribute to the maintenance of his natural children? The only answer we can get from Impartiality is that, if one man is forced, all men should be forced. Should a man be permitted to sell himself into slavery for life? Should the creditors of an insolvent rank in order of priority, or *pro rata*? Suppose a notorious cardsharper and a gentleman of unblemished character are publicly accused—untruly accused—of conspiring together to cheat, should they obtain equal damages for the libel?

To all these questions Impartiality is dumb, or replies oracularly: "What is right for one is right for all." And that throws no light on the subject.

In short, Mr. Spence seems to me to underrate the difficulty of finding out what is fair and right between man and man. To me it seems that this is the whole of the difficulty. And although I hold that this can best be overcome by an appeal to expedience, I must not be understood as contending that each particular case must be decided on its merits. We must be guided, as we are guided in our own personal conduct, by middle principles which have stood the test of time and experience. Do not steal. Do not lie. It is by the discovery of these middle principles by induction from the disputes of everyday life that we shall find ourselves in possession of true and useful guides through the labyrinth of legislation and politics. "We shall arrive at rules which are neither so simple as that which enjoins an equal deal at cards, nor so vague and inapplicable as that which requires us to follow the effects of an action, down through its million ramifications, to the utmost ends of time."

WORDSWORTH DONISTHORPE.

TEMPLE, LONDON, NOVEMBER 5, 1889.

The New Art.

[Boston Transcript.]

The production of Ibsen's "A Doll's Home" at the Globe Theatre yesterday afternoon was in one sense a revolutionary thing. But it was not an isolated thing; it is a phase in the development of a new art, which it is more important to consider as a whole than in any manifestation. The performance yesterday is highly remarkable for the way in which it appears to drag as if by the heels, and much against their wills, a whole body of protesting critics into more or less ardent admiration of a play which they had conclusively condemned in advance. The ceaseless and intense vitality; the intimate relation, from its very reality, of the action and thought of the piece to the acts and thoughts of the spectators; the instant touch upon the raw of susceptibilities and sympathies by means of appeals no longer conducted by locutions, but by the sight and sound of the thing itself,—all these and other elements of the play which it is not desirable to discuss in this place have aroused the emotions and commanded the admiration of all who have been heard from in the matter. And this fact is really what constitutes the chief significance of yesterday's performance. It proves the force of the new motive which has begun to overspread art, and of which this performance is but an incident.

That this new art should provoke opposition was, of course, inevitable. Its exponents expected that, and it does not disturb them in the least. Factitious success is by no means a part of their plan. They care no more for popularity than they do for traditions. Whether or not the world now takes what they have to offer is their last concern. But that the vitality of their art should compel attention, and hold the minds and hearts of mankind by the very intimacy of knowledge which it displays with their inner natures, is nevertheless quite inevitable. It is, in appearance, a crude art indeed to those who have been accustomed all their lives to artificial methods of expression. The world stood aghast, not many years ago, at landscapes that were painted as they really were; simply because nobody had ever seen a landscape painted as it is, we were told that landscapes never looked at all that way. But soon people began to realize, as they were bound to, that the new art was the one which told the truth, because it presently began to appeal irresistibly to a thousand vivid impressions and recollections. In literature we are going through very much the same experience. It is a familiar road to those who have already travelled it in the domain of another branch of art. It is no new thing to them to see people's perceptions and emotions at war with their preconceptions, and their intellect flatly contending with the testimony of their hearts. It is quite to be expected that people should object with vehemence to what shocks their inherited and ingrained notions of artistic propriety. But it is also to be expected, in this age of abounding life, of quick apprehension, of general abandonment of superstitions, that the revelation of reality in all its plainness and directness should take a hard hold upon people at last, and arouse enthusiasm even where the enthusiasm has to be qualified by a hundred ifs and buts of prejudice.

It is plain that the presentation of Ibsen's raw story from life in a little Norwegian city, which is neither tragedy nor comedy, but a little of both, just as life itself is; which preaches more or less, just as ordinary events preach, just as ordinary, commonplace, vulgar emotions of pleasure and

pain always preach; which ends with a point of interrogation, just as life itself generally does, and its constant passing dramas do—it is plain that, if the performance seized so vividly upon the imagination of the audience which saw it yesterday, a remarkable event has transpired. If this sort of thing is to arouse emotion, as it appears to have done, a great deal of sophistical art must go to the wall. People who have drunk strong, pure wine are not apt to find their palate tickled with weak decoctions. If honest ...ithout artificiality, without conventional devices, has power to move and satisfy, the dishonest and meretricious thing must gradually be pushed aside. Certainly nobody could suppose that dramatic art is to undergo a sudden transformation as the result of a success in appreciation of something entirely new. The false art will die hard, no doubt. Perhaps it will die harder than the preposterously artificial pictorial art of a past generation has died. But the welcome which has been accorded to "The Doll's Home," and particularly the unwilling admiration wrung from critics who think more of "art" than they do of the principles of human action which underlie art, and more of "the stage" than they do of the purpose of the stage, is a sure sign that a new day has really dawned in dramatic art.

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